



February 9, 2007

HOUSE BILL No. 1787

DIGEST OF HB 1787 (Updated February 8, 2007 2:23 pm - DI 75)

Citations Affected: IC 36-12; noncode.

Synopsis: Library services. Prohibits a public library board from charging a fee for issuing a library card to an individual who owns real property in the library district but who is not a resident of the library district. (Current law requires a library board to charge such an individual a fee.) Eliminates term limits for members of the board of a Class 1 public library. Appropriates \$3,000,000 from the state general fund to the department of education to be used for school library printed materials grants. Requires a school corporation to match the amount of the grant.

Effective: July 1, 2007.

Ruppel, Smith V, Stevenson, Elrod

January 26, 2007, read first time and referred to Committee on Local Government.
February 8, 2007, amended, reported — Do Pass. Recommended to Committee on Ways and Means.

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HB 1787—LS 6784/DI 109+



February 9, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1787

A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-12-2-8, AS ADDED BY P.L.1-2005, SECTION
2 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2007]: Sec. 8. (a) Except as provided in subsection (b); An appointee
4 to a library board may not serve more than four (4) consecutive terms
5 on the library board. The consecutive terms are computed without
6 regard to a change in the appointing authority that appointed the
7 member or the length of any term served by the appointee. If:

8 (1) a member's term is interrupted due to the merger of at least
9 two (2) public libraries under IC 36-12-4; and

10 (2) the member is reappointed to the merged public library board;
11 the term that was interrupted may not be considered in determining the
12 number of consecutive terms a member may serve on a library board:
13 until the appointee's successor is appointed and qualified.

14 (b) This subsection applies to a library board for a library district
15 having a population of less than three thousand (3,000). If an
16 appointing authority conducts a diligent but unsuccessful search for a
17 qualified individual who wishes to be appointed to serve on the library

HB 1787—LS 6784/DI 109+



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board:

(1) the appointing authority may reappoint a board member who has served four (4) or more consecutive terms; and

(2) state funds may not be withheld from distribution to the library.

The appointing authority shall file with the library board a written description of the search that was conducted under this subsection. The record becomes a part of the official records of the library board.

SECTION 2. IC 36-12-2-25, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25. (a) The residents or real property taxpayers of the library district taxed for the support of the library may use the facilities and services of the public library without charge for library or related purposes. However, the library board may:

- (1) fix and collect fees and rental charges; and
- (2) assess fines, penalties, and damages for the:
 - (A) loss of;
 - (B) injury to; or
 - (C) failure to return;

any library property or material.

(b) A library board may issue local library cards to:

- (1) residents of the library district; or
- (2) Indiana residents who are not residents of the library district; who apply for the cards.

(c) Except as provided in ~~subsection~~ **subsections (d) and (e)**, a library board must set and charge a fee for a local library card issued under subsection (b)(2). The minimum fee that the board may set under this subsection is the greater of the following:

- (1) The library district's operating fund expenditure per capita in the most recent year for which that information is available in the Indiana state library's annual "Statistics of Indiana Libraries".
- (2) Twenty-five dollars (\$25).

(d) A library board may charge a reduced fee or not charge a fee for a local library card under subsection (c) that is issued to an Indiana resident who is:

- (1) a student enrolled in a public school corporation that is located at least in part in the library district; and
- (2) not a resident of the library district.

(e) A library board may not charge a fee under subsection (c) for a local library card that is issued to an Indiana resident who:

- (1) owns real property that is located at least in part in the library district; and**

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1 (2) is not a resident of the library district.

2 SECTION 3. [EFFECTIVE JULY 1, 2007] (a) As used in this
3 SECTION, "department" refers to the department of education
4 established by IC 20-19-3-1.

5 (b) There is appropriated to the department three million
6 dollars (\$3,000,000) from the state general fund for its use in
7 providing school library printed materials grants to school
8 corporations beginning July 1, 2007, and ending June 30, 2009.

9 (c) The department shall administer the school library printed
10 materials grants.

11 (d) To be eligible for a school library printed materials grant, a
12 school corporation must:

13 (1) apply to the department in the form and manner specified
14 by the department; and

15 (2) provide money for library printed materials in an amount
16 at least equal to the amount provided in the grant.

17 (e) The department shall determine the amount of the school
18 library printed materials grant that each applicant receives.

19 (f) This SECTION expires July 1, 2009.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1787, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-12-2-8, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) ~~Except as provided in subsection (b);~~ An appointee to a library board may not serve more than four (4) consecutive terms on the library board. The consecutive terms are computed without regard to a change in the appointing authority that appointed the member or the length of any term served by the appointee. If:

(1) a member's term is interrupted due to the merger of at least two (2) public libraries under IC 36-12-4; and

(2) the member is reappointed to the merged public library board; the term that was interrupted may not be considered in determining the number of consecutive terms a member may serve on a library board: **until the appointee's successor is appointed and qualified.**

(b) This subsection applies to a library board for a library district having a population of less than three thousand (3,000). If an appointing authority conducts a diligent but unsuccessful search for a qualified individual who wishes to be appointed to serve on the library board:

(1) the appointing authority may reappoint a board member who has served four (4) or more consecutive terms; and

(2) state funds may not be withheld from distribution to the library.

The appointing authority shall file with the library board a written description of the search that was conducted under this subsection. The record becomes a part of the official records of the library board."

Page 2, line 8, delete "not".

Page 2, line 8, reset in roman "reduced fee or not charge a".

Page 2, line 9, delete "under subsection (c)".

Page 2, line 9, reset in roman "under subsection (c)"

Page 2, after line 18, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2007] (a) **As used in this SECTION, "department" refers to the department of education**

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established by IC 20-19-3-1.

(b) There is appropriated to the department three million dollars (\$3,000,000) from the state general fund for its use in providing school library printed materials grants to school corporations beginning July 1, 2007, and ending June 30, 2009.

(c) The department shall administer the school library printed materials grants.

(d) To be eligible for a school library printed materials grant, a school corporation must:

(1) apply to the department in the form and manner specified by the department; and

(2) provide money for library printed materials in an amount at least equal to the amount provided in the grant.

(e) The department shall determine the amount of the school library printed materials grant that each applicant receives.

(f) This SECTION expires July 1, 2009."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1787 as introduced.)

SMITH V, Chair

Committee Vote: yeas 7, nays 1.

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